



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kazuhiko MATSUMURA et al.

Serial No. 10/628,394

Filed July 29, 2003

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT

ACCOUNT NO. 23-0975

Attn: BOX MISSING PARTS

Attorney Docket No. 2003\_1003A

METHOD FOR PRODUCING AN OPTICALLY  
ACTIVE  $\beta$ -AMINO ACID

**PATENT OFFICE FEE TRANSMITTAL FORM**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of \$130.00 to cover Patent Office fees relating to filing the following attached papers:

**Late filing of executed Declaration ..... \$130.00**

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Kazuhiko MATSUMURA et al.

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicants

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September 3, 2003

[Check No. 57448]

2003\_1003A



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**SUBMISSION OF EXECUTED DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith is the required Declaration for the above-identified application which was originally filed without an executed Declaration.

Also enclosed is the PTO surcharge of \$130.00, required by 37 CFR 1.16(e).

Favorable action on the merits is now requested.

Respectfully submitted,

Kazuhiko MATSUMURA et al.

By: Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
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September 3, 2003

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# DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

(X) Original    () Supplemental    () Substitute    () PCT    () Design

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: METHOD FOR PRODUCING AN OPTICALLY ACTIVE B-AMINO ACID

of which is described and claimed in:

- ( ) the attached specification, or  
 (X) the specification in the application Serial No. \_\_\_\_\_ filed July 29, 2003 ;  
 and with amendments through \_\_\_\_\_ (if applicable), or  
 ( ) the specification in International Application No. PCT/\_\_\_\_\_, filed \_\_\_\_\_, and as amended  
 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, ' 1.56.

I hereby claim priority benefits under Title 35, United States Code, ' 119 (and ' 172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:


COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
<b>Japan</b>	<b>222149/2002</b>	<b>July 30, 2002</b>	<b>Yes</b>

I hereby claim the benefit under Title 35, United States Code ' 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code ' 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, ' 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; and Michael S. Huppert, Reg. No. 40,268, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from Iwatani Patent Office, as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor Kazuhiko Matsumura Date August 18, 2003  
 Kazuhiko MATSUMURA

2nd Inventor Xiaoyong Zhang Date August 18, 2003  
 Xiaoyong ZHANG

3rd Inventor Takao Saito Date August 18, 2003  
 Takao SAITO

The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date July 29, 2003

Applicant Reference Number T10F1071(US)P Atty Docket No. 2003 1003A

Title of Invention METHOD FOR PRODUCING AN OPTICALLY ACTIVE  $\beta$ -AMINO ACID